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ABSTRACT

A joint report by members of two Congressional Committees examined the proposed bill to carry out the National Sea Grant College Program Act and recommended that the bill be passed. The Sea Grant College Program Act authorizes appropriations for the National Sea Grant Program, which provides grants to support university-based marine research, education, and advisory services, and repeals the Strategic Marine Research Program. The committees supported a 5-year reauthorization at levels that would permit the continuation of the existing network without reduction. The committees reviewed the legislative history of this reauthorization and authorized levels of funding for 5 years with cost estimates from the Congressional Budget Office. An examination of the regulatory impact of the bill found that as the bill reauthorizes an existing program, no additional regulatory, economic, paperwork, or personal privacy burdens would be imposed on individuals or businesses. However, because the Strategic Marine Research Program component of the National Sea Grant Program duplicated another program, it was repealed. The report analyzes the bill section by section and indicates changes and omissions from the original bill. (JB)

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Calendar No. 231

102D CONGRESS *1st Session*	SENATE	REPORT 102-155

ED338154

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT OF 1991

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, and on behalf of Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

JOINT REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

AND

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

S. 1563

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SEPTEMBER 23 (legislative day, SEPTEMBER 19), 1991—Ordered to be printed

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102D CONGRESS
1st Session

SENATE

REPORT
102-155

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT OF 1991

SEPTEMBER 23 (legislative day, SEPTEMBER 19), 1991.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, and on behalf of Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

JOINT REPORT

[To accompany S. 1563]

The Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources to which was referred jointly the bill (S. 1563) to authorized appropriations to carry out the National Sea Grant College Program Act, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE

S. 1563 authorizes appropriations for the National Sea Grant Program (Sea Grant Program) for fiscal years (FY) 1991 through 1995. The bill also repeals the Strategic Marine Research Program and makes conforming changes to the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

BACKGROUND AND NEEDS

Administered by the National Oceanic and Atmospheric Administration (NOAA), the Sea Grant Program provides grants to support university-based marine research, education, and advisory services. The Sea Grant Program differs from many traditional academic programs in its emphasis on applied research and in the creation of an effective partnership among university, government, and industry sectors. Over the past 25 years, the Sea Grant network has grown to include 22 Sea Grant Colleges and 7 institutional programs which are supported by matching Federal and State

grants. Focused largely on estuaries and coastal areas, the Sea Grant Program brings a multidisciplinary approach to understanding, using and protecting natural resources. In addition, the Grant network plays a critical role in transferring technology and information among reseachers, government managers, and the private sector.

Earlier this year, the administration forwarded legislation to Congress to reauthorize the National Sea Grant College Program Act for FY 1992 and FY 1993. The legislation proposed to authorize appropriations for FY 1992 at $25 million, and for FY 1993 at "such sums as are necessary." The administration's proposal contemplates termination of Sea Grants' Marine Advisory Services (MAS), a budget reduction of approximately $16 million. The MAS is the extension arm of the Sea Grant Program, assisting the marine community through the application of the results of Sea Grant research. The administration maintains that private industry and the States should pay for this part of the Sea Grant Program.

The Committees support a 5-year reauthorization at levels that will permit the continuation of the existing network, including the MAS, without reduction. The Committees believe that the Sea Grant network plays a critical role in developing and transferring technology and information among researchers, government managers, and individuals who harvest and otherwise enjoy the benefits of the Nation's marine resources.

Legislative History

The Committee on Commerce, Science, and Transportation and the National Ocean Policy Study held a hearing on a number of NOAA programs, including the National Sea Grant College Program, on May 21, 1991. Witnesses testifying on the Sea Grant Program included Ms. Jennifer Joy Wilson, Assistant Secretary for Oceans and Atmosphere, Department of Commerce; Dr. David A. Ross, Senior Scientist for Sea Grant Programs at the Woods Hole Oceanographic Institute; and Dr. Anders Andren, Director of the Sea Grant Institute at the University of Wisconsin. Drs. Ross and Andren testified in strong support of the Sea Grant Program in general and the MAS specifically.

Senator Kerry introduced S. 1563 on July 25, 1991. Senators Hollings, Pell, Kennedy, Stevens, Packwood, Kasten, Gorton, Fowler, Cohen, and Mitchell are cosponsors of the legislation. By unanimous consent, pursuant to an agreement between the two Committees, the bill was referred jointly to the Committee on Commerce, Science, and Transportation and to the Committee on Labor and Human Resources, as had been the case with similar legislation in past Congresses.

On July 30, 1991, the Committee on Commerce, Science, and Transportation, in open executive session, without objection and without amendment, ordered S. 1563 reported.

On July 31, 1991, the Committee on Labor and Human Resources, in open executive session, ordered S. 1563 reported by voice vote, without amendment.

SUMMARY OF MAJOR PROVISIONS

S. 1563 authorizes appropriations for the Sea Grant Program and repeals the Strategic Marine Research Program. Authorized levels for the grant program are as follows:

[In millions]

Fiscal year:	*Grant program*
1991	$45.0
1992	47.7
1993	50.6
1994	53.6
1995	56.8

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 1991.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1563, the National Sea Grant College Program Authorization Act of 1991. Enactment of S. 1563 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1563.
2. Bill title: National Sea Grant College Program Authorization Act of 1991.
3. Bill status: Ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 30, 1991.
4. Bill purpose: S. 1563 reauthorizes appropriations for the National Sea Grant College Program and terminates the Strategic Marine Research Program by repealing Section 206 of the National Sea Grant College Program Act.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Authorization level	45	48	51	54	57
Less: Current appropriation	44				
Net additional authorization	1	48	51	54	57

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Estimated additional outlays	0	33	46	51	56

The costs of this bill fall within budget function 300.

Basis of estimate: This estimate assumes that the full amount authorized would be appropriated for each fiscal year; outlays are based on the historical spending patterns for these programs. CBO estimates that the repeal of the Strategic Marine Research Program would not affect the outlays, as his program has not previously received funding under sea grant appropriations.

6. Pay-as-you-go consideration: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of S. 1563 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On May 9, 1991, CBO prepared an estimate for H.R. 1370, the National Sea Grant College Program Authorization Act of 1991. H.R. 1370 would reauthorize funding for the National Sea Grant Program and other research activities and establish a National Sea Grant Office within the National Oceanic and Atmospheric Administration. It would authorize $218 million in additional funding in fiscal years 1991 through 1995.

10. Estimate prepared by: Patricia A. Conroy.

11. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

As the reported bill is simply reauthorizing the existing Sea Grant program, the Committees do not expect additional regulatory burdens to be imposed by the legislation. No new economic, regulatory, paperwork, or personal privacy impacts upon individuals or businesses are expected.

Section-by-Section Analysis

SECTION 1—SHORT TITLE

The short title of this bill is the "National Sea Grant College Program Authorization Act of 1991."

SECTION 2—AUTHORIZATION OF APPROPRIATIONS

This section sets forth the following authorization for the Sea Grant core program; $45,000,000 for FY 1991, $47,700,000 for FY 1992, $50,562,000 for FY 1993, $53,596,000 for FY 1994, and $56,811,000 for FY 1995. The legislation continues funding for the existing program (including the MAS) through FY 1995.

SECTION 3—STRATEGIC MARINE RESEARCH PROGRAM

This section repeals section 206 of the National Sea Grant College Program Act, which established a Strategic Marine Research Program within the Sea Grant Program. The strategic program called for the development of a strategic marine research plan outlining the Nation's ocean, coastal, and Great Lakes research priorities, as well as the creation of a competitive grant program to fund the priority research.

In January 1990, NOAA released the Strategic Marine Research Plan which identified a number of high priority marine research areas. At the same time, the administration has proposed funding, which has been appropriated, for NOAA's Coastal Ocean Science Program. This effort, which was initiated in FY 1990, focuses on high-priority coastal research, and as a result, duplicates the Strategic Marine Research Program. Thus, the Strategic Marine Research Program is unnecessary, and section 206 should be repealed.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

Section 204 of that Act

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) through (b) * * *

(c) DUTIES.—The Director shall administer the national sea grant college program subject to the supervision of the Secretary and the Under Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(1) through (2) * * *

(3) evaluate activities conducted under grants and contracts awarded pursuant to [sections 205 and 206] *section 205* to assure that the objective set forth in section 202(b) is implemented;

(4) through (7) * * *

(d) * * *

Section 205 of that Act

SEC. 205. CONTRACTS AND GRANTS.

(a) * * *

(b) SPECIAL GRANTS.—The Secretary may make special grants under this subsection to implement the objective set forth in section 202(b). The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection unless the Secretary finds that—

(1) through (2) * * *

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) [or section 206]

The total amount which may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 1 percent of the total funds appropriated for such year pursuant to section 212.

(c) through (d) * * *

Section 206 of that Act

[SEC. 206. STRATEGIC MARINE RESEARCH PROGRAM.

[(a) GRANT AND CONTRACT AUTHORITY.—The Under Secretary may make grants and enter into contracts to carry out the strategic research program provided for under this section. A grant or contract may cover up to 100 percent of the cost of the research for which the grant or contract is made or awarded.

[(b) STRATEGIC RESEARCH PLAN.—Within 1 year after the effective date of the Marine Science, Technology, and Policy Development Act of 1987, and every 3 years after that date, the Under Secretary shall develop and publish in the Federal Register, a sea grant strategic research plan for the next 3 years. The plan shall—

[(1) identify and describe a limited number of priority areas for strategic research in fields associated with ocean, coastal, and Great Lakes resources; and

[(2) indicate the goals and timetables for the research in those fields.

[(c) CONSULTATION AND CONGRESSIONAL REVIEW.—

[(1) CONSULTATION.—In developing each sea grant strategic research plan, the Under Secretary shall consult with relevant Federal agencies; sea grant directors; other representatives of sea grant colleges, sea grant programs, and sea grant regional consortia; non-governmental marine scientists; and other interested parties, both public and private.

[(2) SUBMITTAL TO CONGRESS.—Upon publication of each sea grant strategic research plan under subsection (b), the Under Secretary shall submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

[(3) RESTRICTION ON GRANTS AND CONTRACTS.—The Under Secretary shall not make a grant or enter into a contract under this section for priority area research under a strategic research plan before the 45th day after the date of receipt of the plan by the Committees referred to in paragraph (2).

[(d) CRITERIA FOR AREAS TO BE INCLUDED IN PLAN.—In selecting priority areas for inclusion in the sea grant strategic plan, the Under Secretary shall concentrate on—

[(1) critical resource and environmental areas that are precluded from adequate funding under other provisions of this Act because of—

[(A) their national, international, or global scope, fundamental nature, or long-range aspects;

[(B) the scale of the needed research effort; or

[(C) the need for the broadest possible university involvement; and

[(2) areas where the strength and capabilities of the sea grant colleges, sea grant programs, and sea grant regional consortia in mobilizing talent for sustained programmatic research and technology transfer make them particularly qualified to manage strategic marine research under this section.

[(e) CONTRACT AND GRANT REQUIREMENTS.—Subsection (c) and (d) of section 205 apply to applications for grants or contracts, and to grants made and contracts entered into, under this section.]

Section 208 of that Act

SEC. 208. FELLOWSHIPS.

(a) through (b) * * *

(c) POSTDOCTORAL FELLOWSHIPS.—The Under Secretary shall establish and administer a program of postdoctoral fellowships to accelerate research in critical subject areas. The fellowship awards—

(1) through (4) * * *

(5) shall be for up to 100 percent of the total cost of the fellowship; *and*

[(6) may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 206; and]

[(7)] *(6) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients.*

Section 209 of that Act

SEC. 209. SEA GRANT REVIEW PANEL.

(a) * * *

(b) DUTIES.—The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—

(1) applications or proposals for, and performance under, grants and contracts awarded under [sections 205 and 206] *section 205* and section 3 of the Sea Grant Program Improvement Act of 1976;

(2) through (5) * * *

* * * * * * *

(c) MEMBERSHIP, TERMS, AND POWERS.—

(1) The panel shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the panel. Not less than 8 of the voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals, who, by reason of knowledge, experience or training, are especially qualified in, or representative of, education, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, utilization, or conservation

of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the panel if the individual is (A) the director of a sea grant college, sea grant regional consortium, or sea grant program; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205 [or 206]; or (C) a full-time officer or employee of the United States.

(2) through (7) * * *

Section 212 of that Act

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than sections 206 and 211, an amount—

[(1) for fiscal year 1988, not to exceed $41,500,000;

[(2) for fiscal year 1989, not to exceed $50,500,000; and

[(3) for fiscal year 1990, not to exceed $51,000,000.]

(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than section 211, an amount—

(1) for fiscal year 1991, not to exceed $45,000,000;

(2) for fiscal year 1992, not to exceed $47,700,000;

(3) for fiscal year 1993, not to exceed $50,562,000;

(4) for fiscal year 1994, not to exceed $53,596,000; and

(5) for fiscal year 1995, not to exceed $56,811,000.

(b) STRATEGIC MARINE RESEARCH.—There is authorized to be appropriated to carry out [section 206 and] section 208(c), an amount—

(1) for fiscal year 1988, not to exceed $500,000;

(2) for fiscal year 1989, not to exceed $5,000,000; and

(3) for fiscal year 1990, not to exceed $10,000,000.

(c) through (e) * * *

NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990

Section 1301 of that Act

SEC. 1301. AUTHORIZATIONS.

(a) * * *

(b) TASK FORCE AND AQUATIC NUISANCE SPECIES PROGRAM.—There are authorized to be appropriated for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to develop and implement the provisions of subtitle C

(1) through (3) * * *

(4) $5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:

[(A) $3,375,000 to fund grants under section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and]

(A) $3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and

(B) * * *
(5) through (7) * * *
(c) through (d) * * *

○